

GOVERNMENT OF TELANGANA
ABSTRACT

Public Services – YAT&C Department – CC No.294/2006 filed on Sri Mohd. Basheeruddin, District Sports Development Officer, Mahaboobnagar – Convicted – Dismissal from service – Appeal filed at First Additional Session Judge at Mahaboobnagar – Implementation of Judgement dt.22.09.2008 in Cr. A.No.172/ 2007 and 165/2007 – Reinstatement into service – Treating the Dismissal period from 05.01.2008 to 29.03.2012 as "ON DUTY under FR 54 A – Orders – Issued.

YOUTH ADVANCEMENT TOURISM AND CULTURE (SPORTS) DEPARTMENT

G.O.RT.No. 3.

Dated : 05.01.2015

Read the following:-

- 1) Judgement dated 31.01.2007 in C.C. No. 294/2006 of the Judicial magistrate of First Class Special mobile Court, Mahaboobnagar.
- 2) Proceedings No. SAAP/A2/311/2005, dated 05.01.2008.
- 3) Judgement dated 22.09.2008 in Cr. A.No.172/2007 and 165/2007 of the 1st Addl. Sessions Judge, Mahaboobnagar.
- 4) Appeal dated 30.05.2010 from Sri Mohd. Basheeruddin, DSDO, DSA, Mahaboobnagar.
- 5) District Probation Officer Mahaboobnagar, Letter No NIL dated 14.12.2012
- 6) G.O. Ms. No.42, YAT&C(Sports) Department, dated 12.03.2012.
- 7) Proceedings No. SAAP/A2/7311/2004, dated 30-3-2012.
- 8) From the VC&MD Lr. No. SAAP/A2/7311/2004, dated.10.09.2012.
- 9) From the VC&MD Lr. No. SAAP/A2/7311/2004, dated.01.06.2013.

ORDER:

Whereas, Sri Mohd. Basheeruddin, was initially appointed as Volleyball coach on 22.12.1984 and on promotion he was posted as District Sports Development Officer, District Sports Authority, Mahaboobnagar. During his tenure as District Sports Development Officer one Master N.Surya Teja drowned in the Swimming Pool maintained by District Sports Authority, Mahaboobnagar on 20.05.2006 and died. A complaint was lodged by the father of the deceased against Sri Mohd Basheerudin, District Sports Development Officer and Sri G.Sreenivasulu the life saver and the same was registered as Crime No. 108 of 2006 of 2 town police station Mahaboobnagar and Charge sheet was filed against them. The said case was taken up as CC No. 294/2006 on the file of Judicial Magistrate of First Class, Special Mobile Court, Mahaboobnagar and both the accused were held guilty of offence punishable under Section 304-A of the Indian Penal Code and convicted them to undergo Rigorous Imprisonment for a period of one year with fine of Rs.1000/- against each vide judgement dated 31.10.2007. in pursuance of the Judgement of the Judicial Magistrate of First Class, Special Mobile Court, Mahaboobnagar in C.C. No.294/2006 dated 31.10.2007, the Vice Chairman and Managing Director, Sports Authority of Andhra Pradesh has dismissed the individual from service vide proceedings No. SAAP/A2/311/05, dated 05.01.2008 in the reference 2nd read above.

2. Aggrieved by the orders of the Judicial Magistrate of First Class Special Mobile Court, Mahaboobnagar dated 31.10.2007 Sri Mohd Basheeruddin has filed criminal appeal No.s 172/2007 and 165/2007 in the court of the 1st Additional Sessions Judge at Mahaboobnagar. The first Additional Sessions Judge at Mahaboobnagar in his orders dated 22.09.2008 directed as follows:

P.T.O.

"In the circumstances of the case, notwithstanding anything contained in any other law for the time being in force instead of sentencing appellants 1 and 2 to undergo any punishment, I hereby direct that they shall be released U/s 4 (1) of Probation of Offenders Act on their entering into a bond for Rs.10,000/- with one surety likesum each, to appear and receive sentence when called upon during two years as this court may direct and in the mean time to keep peace and good behavior, further directing that the appellants 1 and 2 / A1 & A2 shall be under the supervision of the District Probation officer, Mahaboobnagar for two years as required U/s. 4 (3) of the Probation of Offenders Act. It is further ordered U/s. 5 of the Probation of Offenders Act that the appellants A1 & A2 shall pay a compensation of Rs.25,000/- (Rupees Twenty Five Thousand Only) each to PW 1 Dalitha Kishan Das for death of his son, after revision or revision time is over. In default of any of the said directions. Appellants A1 & A2 will be proceeded with further as per law. Having ordered the appellants A1 and A2 to be released on the probation of Offenders Act, their conviction shall not affect their service career as per section 12 of the said Act. Already paid fine of Rs.1,000/- each by the appellants 1 and 2 has to be adjusted towards the said compensation. In such an event, each appellant shall pay now Rs.24,000/- towards compensation".

3. The District Probation Officer, Mahaboobnagar in his letter 5th read above has reported that the offender Sri Mohd. Basheeruddin was under his supervision as per section 4 (i) and (iii) of the Probation of Offenders Act 1958 from 22.09.2008 to 21.09.2010 and has successfully completed the period of supervision without giving any scope for any violation of conditions prescribed for him by the court and reported that he has submitted final report to the court on 02.11.2011. Hence, he has stated that the probationer has fulfilled the conditions of sections 4 and 12 of the Act.

4. The individual filed an appeal before the Government requesting for his reinstatement into service with all the service benefits duly implementing the judgement dated 22.09.2008 in Cr. A.No.172/2007 and 165/2007 on the file of the 1st Addl. Sessions Judge at Mahaboobnagar.

5. Government, after careful examination of the matter, set-aside the proceedings No. SAAP/A2/311/2005, dated 05.01.2008 issued by the Vice Chairman and Managing Director, Sports Authority of Andhra Pradesh, Hyderabad and allow the appeal of the individual by issuing the speaking order vide reference 6th read above.

6. Accordingly, Sri Mohd. Basheeruddin, Volleyball coach (Grade-I) was reinstated in to duty and posted at LB Stadium vide Proceedings 7th read above.

7. In the reference 7th read above, the Vice Chairman and Managing Director, Sports Authority of Andhra Pradesh has submitted proposals to Government on the representation of Sri Mohd. Basheeruddin Volleyball coach, SATS to regularize the dismissal period from 05.01.2008 to 29.03.2012 as on duty with all consequential benefits.

8. Therefore, the Government after careful examination of the matter hereby permit the VC&MD, SATS to treat the dismissal period in respect of Sri Mohd Basheeruddin, Volleyball coach, SATS from 05.01.2008 to 29.03.2012 as on duty with all the consequential benefits as per FR 54-A-(3).

: 3 :

9. The Vice Chairman and Managing Director, Sports Authority of Telangana State shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

LAV AGARWAL
SECRETARY TO GOVERNMENT

To
The Vice Chairman and Managing Director,
Sports Authority of Telangana State.

Copy to :
Sri Mohd Basheeruddin, Volleyball coach, through Vice Chairman and
Managing Director, SATS
The District Sports Development Officer, Mahaboobnagar.
The Accountant General, Andhra Pradesh/ Telangana, Hyderabad.
The P.S. to SPI. Secretary to Chief Minister.
The OSD to Minister (YS&S)
The PS to Secretary (YS&S)
SF/SC.

//FORWARDED BY ORDER//

SECTION OFFICER